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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/818,158	03/14/97	ANDREWS	G R0996-141

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EXAMINER

VU, T

S JARED PITTS  
SCHMEISER OLSEN & WATTS  
20 WEST FIRST STREET  
MESA AZ 85201

ART UNIT

PAPER NUMBER

2756

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DATE MAILED: 08/27/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Office Action Summary**

Application No. <b>08/818,158</b>	Applicant(s) <b>Andrews et al</b>
Examiner <b>Thong Vu</b>	Group Art Unit <b>2756</b>



Responsive to communication(s) filed on Aug 16, 1999

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**

Claim(s) 1-37 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-37 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment filed Mar 14, 1998 have been fully considered but they are moot in view of the new ground(s) of rejection.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371C of this title before the invention thereof by the applicant for patent.

Claims 1-37 are rejected under 35 U.S.C. § 102 [e] as being unpatentable over Foley et al [5,706,502]

As per claim 1, Foley et al taught *a web page program* or Java program [col 4 line 30] *residing in the memory, downloading a web page program or Java program such as portfolios* [col 4 line 3] *comprising text portion and a plurality of page component references or URL links* [col 7 line 28-60], *the computer program displaying the text portions of the web page file such as the icons or menus contain the tittle or text links to web document* [col 6 line 43]; and *computer program dynamically prompting or automatically download a user to select which of said plurality of page components* [col 5 line 3] *associated with the plurality of page component*

*references to download when downloading and integrating into the displayed text portions of the web page file [col 4 line 5]. By this rationale claim 1 is rejected.*

*As per claims 2 and 3, Foley et al taught computer program comprises a web browser application [col 4 line 59], and file comprises a hypertext markup language (HTML) document [col 10 line 37]. By this rationale claims 2,3 are rejected.*

*As per claim 4, Foley et al taught the component download selection mechanism dynamically creating a component download selection list when said file with said plurality of page components is download such as icon representing the applet [col 4 line 25, 30-45, col 7 line 28-60]. By this rationale claim 4 is rejected.*

*As per claim 5, Foley et al taught computer program comprises a web browser and wherein the text portions of the web page file are displayed in a first pane of said web browser said component download selection list is formed in a second pane or second portfolio [col Fig 6] of said web browser as design by choice. By this rationale claim 5 is rejected.*

*As per claim 6, Foley et al taught the component download selection list is formed in a dialog box [col 5 line 65]. By this rationale claim 6 is rejected.*

*As per claim 7, Foley et al taught the component download list is displayed to the user with said text portions of the web page file such as portfolio file [col 8 line 3]. By this rationale claim 7 is rejected.*

*As per claim 8, Foley et al taught component download selection list contains the file name for each of said plurality of page components [col 4 line 54]. By this rationale claim 8 is rejected.*

As per claim 9, Foley et al taught *component download selection list contains the type for each said plurality of components* [col 5 line 48]. By this rationale claim 9 is rejected.

As per claim 10, Foley et al taught *component download selection list contains the size of each said plurality of page components* as the inherent feature of file manager [col 4 line 4]. By this rationale claim 10 is rejected

As per claim 11, Foley et al taught *component download selection list includes a status item or icon specification* [col 6 line 41] *said status item dynamically displaying the amount of each of said plurality of page components that has been downloaded* [col 3 line 4-8]. By this rationale claim 11 is rejected.

As per claim 12, Foley et al taught *status item includes the percentage of a page component downloaded* such as the inherent feature of Run, Copy or Import submenu [col 6 line 63]. By this rationale claim 12 is rejected.

Claims 13-35 contain the same limitations that were addressed in rejecting claims 1-12 above. By the same rationale applied above , claims 13-35 are rejected.

As per claim 36, Foley et al taught *a web browser program or HTML or Java program* [col 4 line 30] *residing in the memory, including a download mechanism or dynamically creating or prompting or downloading* [col 5 line 3] *a web page file or list or HTML document comprising text portion and a plurality of page components references or URL links* [col 4 line 28, 49] such as a menu or sub menu [col 7 line 8, 56] *said component download selection mechanism prompting a user to select which of said plurality of components* on the download selection list to download and integrate with the display text portion of the web page [col 2 line

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63-65-col 3 line 1-3, 25,col 4 line 5, col 13 line 21]; request from web server select embedded component such as a menu or submenu [col 7 line 8, 56]. By this rationale claim 36 is rejected.

As per claim 37, Foley et al taught *a web browser program* or HTML or Java program [col 4 line 30] *residing in the memory, including a selection download mechanism or parsing or prompting* or downloading [col 5 line 3] HTML or Java program for text portions and for a plurality of embedded components such as or reference links or URLs [col 4 line 28, 49]; display the text portions or menu or sub menu [col 7 line 8, 56]; *prompting a user to select which of said plurality of embedded components to download by displaying a component download selection list with a plurality of references* [col 2 line 63-65-col 3 line 1-3, 25,col 4 line 49-51, col 5.line 5,24,46,53]; *receiving at least one user selected reference that the user is requesting be downloaded; downloading the embedded components associated with said at least one user selected reference that the user is request from said web server* [col 5 line 33-49, col 10 line 51-60]; *integrating the downloaded embedded components with the displayed text portions* [col 2 line 63-65-col 3 line 1-3, 25, col 4 line 5, col 13 line 21]. By this rationale claim 37 is rejected.

### ***Conclusion***

4. All claims are rejected.
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Beaudet et al. Dynamic Hierarchical Selection Menu [USP 5,689,668]

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- **Frese II et al.** Method and System for On Demand Downloading of Module to Enable Remote Control of an Application Program over a Network [USP 5,909,545]

- **Reed et al.** Computer Based Communication System And Method Using Metadata

Defining A Control Structure [USP 5,862,325]

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643. The examiner can normally be reached on Monday-Thursday from 6:30AM- 4:00PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Frank Asta*, can be reached on (703) 305-3817 or via e-mail addressed to [Frank.Asta@uspto.gov]. The fax number for this Group is (703) 308-6606.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [thong.vu@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

*Thong Vu*  
Aug 25, 1999



FRANK J. ASTA  
SUPERVISORY PATENT EXAMINER  
GROUP 2700